

William (Bill) D. Peterson, II  
With 300-Year SNF Disposal, DRI &  
3-Year Fuel & Deficit Recovery Plan,  
68 W Malvern Ave, - Pigeon Spur  
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William D. Peterson

*Plaintiff,*

v.

THE UNITED STATES,

*Defendant,*

COMPLAINT

Case No. 11-381C

(Senior Judge Bruggink)

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Causes of Action

**01)** Peterson works to do storage / **02)** disposal of spent nuclear fuel (SNF).  
**03)** Peterson has done this in response to an invitation of the Nuclear Waste Negotiators  
(1987-1993), **04)** David Leroy under President Bush, and **05)** Richard Stallings under  
President Clinton.  
**06)** In about 2001 Peterson and PECO put together an agreement wherein, **07)** PECO  
would back Peterson, **08)** initially with \$5 million to fund licensing work for Peterson's  
Pigeon Spur site in Box Elder County, Utah. **09)** Then US-DOE gave PECO a bad deal for  
allowing PECO to put a spent nuclear fuel (SNF) storage site at Peach Bottom. **10)** DOE's

unreasonable required concessions soured the whole nuclear industry and <sup>11</sup>)killed their SNF storage efforts, <sup>12</sup>)including both Peach Bottom and <sup>13</sup>)Peterson's sites.

<sup>14</sup>)Up to around 2003, <sup>15</sup>)to make progress towards establishing Pigeon Spur spent nuclear fuel (SNF) storage facility (PSFSF), <sup>16</sup>)Peterson proposed a dozen related projects which on August 6<sup>th</sup> 2003, <sup>17</sup>)were given a blanket rejection due to DOE's <sup>18</sup>)excuse that they could only proceed with Yucca Mountain (YM). <sup>19</sup>)In the U.S. Court of Appeals for the D.C. Circuit, <sup>20</sup>)in Case No. 01-1258, <sup>21</sup>)on July 9, 2004, <sup>22</sup>)the Court ordered that YM was only a suggestion of the Congress. <sup>23</sup>)The Court ordered that EPA with consideration of suggestions from the National Academies of Sciences (NAS) was responsible for how SNF is stored and disposed of, <sup>24</sup>)not DOE or NRC.

<sup>25</sup>)Since Peterson with colleagues conceived his 300-year SNF disposal solution back around 1998, <sup>26</sup>)he has maintained that YM was not a workable solution for SNF. <sup>27</sup>)SNF is potentially 97% reusable nuclear fuel. <sup>28</sup>)The reason YM was scheduled to store SNF for 10,000 years, <sup>29</sup>)then 1,000,000 years, <sup>30</sup>)was the long half lives of the transuranics. <sup>31</sup>)These are isotopes heavier than uranium with half lives of many thousands of years and longer, <sup>32</sup>)causing possible contamination if containers rusted away even out to 1,000,000 years.

<sup>33</sup>)The 300-year plan overcomes this difficulty by processing the fission waste to remove 99.999% of the transuranics from the fission waste. <sup>34</sup>)The fission waste then has short half lives of 30 years or less, <sup>35</sup>)and can be stored for 300 years (ten half lives) to become low level waste, Class-C, and another 500 years to become low level waste Class-A, <sup>36</sup>)harmless. <sup>37</sup>)The transuranics are burned up as fuel in a fast neutron reactor and the remaining uranium 238 can be stockpiled for future use in fuel. <sup>38</sup>)No

high-level waste remains to trouble unknown future generations, <sup>39</sup>)so this is truly disposal, <sup>40</sup>)not just storage.

<sup>41</sup>)So DOE, NRC, and EPA have all erred in the commitment to YM issue. <sup>42</sup>)In the two days that the Congress had to consider the matter, <sup>43</sup>)the Congress did not have the time, or <sup>44</sup>)the technical support to develop a scientifically correct solution. . <sup>45</sup>)The Court pointed out that the Congress's directive for SNF disposal in YM could only be a suggestion.

<sup>46</sup>)The Court's order, <sup>47</sup>)saying that EPA is responsible for how SNF is disposed of, <sup>48</sup>)likely went to then EPA director Michael Leavitt, <sup>49</sup>)who was the former governor of Utah, and <sup>50</sup>)had conducted very heated opposition to the development of Nuclear Power. <sup>51</sup>)So EPA did not act on the order, <sup>52</sup>)and today EPA still does not accept the Court's ordered responsibility. <sup>53</sup>)This unfortunately stied nuclear power.

<sup>55</sup>)After WWII, <sup>56</sup>)Peterson then a boy, <sup>57</sup>)sensed that the economy was headed the wrong way when the Sears Roebuck and Montgomery Ward catalogs began replacing goods manufactured in the U.S. with items made in Japan. <sup>58</sup>)Back then many catalogue featured items had a short written blurb about who made the item, <sup>59</sup>)which gave a spirit of American productivity. <sup>60</sup>)It was years later when Peterson learned that after WWII American political leaders gave technology and tools to Japan and Germany <sup>61</sup>)to help them get industrialized and back on their feet. <sup>62</sup>)With that help they additionally gave them access to the American market.

<sup>63</sup>)During WWII the American Government had amassed some deficit, <sup>64</sup>)possibly almost entirely in the form of war bonds owing back to the American public. <sup>65</sup>)What Peterson saw that was disturbing, <sup>66</sup>)was the beginning of American jobs going abroad, <sup>67</sup>)U.S. dollars going abroad to buy back what before was Made-In-America, <sup>68</sup>)so a

deficit began due to the imbalance of trade. <sup>69)</sup> Around 1990 Peterson began a one man campaign to get the Congress to realize that international trade had to balance.

<sup>70)</sup> Peterson formed what he called the Deficit Recovery Institute (DRI) foundation to try to implement his set of DRI Rules, which included: <sup>71)</sup> Trade had to Balance, <sup>72)</sup> Entities had to Produce as much as they consume, and <sup>73)</sup> a pure Service Economy cannot Sustain Itself.

<sup>74)</sup> For years Peterson tried to get an audience with Utah's Senator Orrin Hatch.

<sup>75)</sup> In 1995 Senator Hatch wrote to Bill saying:

**"<sup>76)</sup> I strongly support maximizing Americans' freedom of choice in product selection", ... "Finally, <sup>77)</sup> I do not support restraints on capital flows in and out of the United States. <sup>78)</sup> Our balance of payments, <sup>79)</sup> current accounts, and <sup>80)</sup> even our continued industrial development depend on freedom of capital flows across boundaries."**

<sup>81)</sup> This is a generous and wonderful gesture probably, <sup>82)</sup> given by most of the members of Congress. <sup>83)</sup> Most of the public would probably complain if they could not do this unlimited commerce. <sup>84)</sup> But Peterson warned Senator Hatch that if the Congress did not get trade into balance, <sup>85)</sup> it would bankrupt America, and <sup>86)</sup> also bankrupt most of the World Nations along with us. <sup>87)</sup> The 1995 deficit of \$3 trillion is now up to around \$15 trillion and accelerating, <sup>88)</sup> seemingly still with no realization of what America is doing to itself.

<sup>89)</sup> Oil is America's single biggest import culprit. <sup>90)</sup> It's nearly half of today's three billion per day advancing trade imbalance deficit, <sup>91)</sup> which most urgently needs to be reversed. <sup>92)</sup> It's even morally wrong for the U.S. to be taking so much of this World's natural resource for themselves. <sup>93)</sup> They have rights to it that Americans are ignoring.

<sup>94)</sup> Two years ago Peterson proposed a 3-year plan to get the U.S. fuel independent in 3-years, <sup>95)</sup> by switching from foreign oil to 40% U.S. natural gas, <sup>96)</sup> 10% to hydrogen

manufactured from 97) splitting water with the power of 50 new nuclear power plants, and 98) the other 50% of America's fuel would come from domestic oil, 99) until 500 nuclear power plants could put U.S. transportation entirely on electricity – hydrogen.

100) Realistically, 101) to be fair to the rest of the World, 102) morally, and 103) economically the U.S. must wean itself from international oil. 104) This imbalance of trade is destroying America economically and 105) morally.

106) Peterson's 3-year plan is aggressive and 107) very much optimistic. 108) But doing any fraction of Peterson's plan is progress for turning around American's \$3 billion per day, 109) \$2 trillion per year staggering deficit that cannot continue. 110) The U.S. must now manufacture its fuel. 111) This all hinges on building new nuclear power that has been needed for decades, 112) which hinges on building a SNF solution, 113) which effort to do has been likewise off-track for many decades.

114) There are critical issues here that need to be understood, 115) which issues are not politically popular, 116) so are being politically avoided: 117) balanced trade, 118) building up nuclear power, and 119) planning and proceeding with a way to dispose of SNF, including 120) choosing five SNF storage sites, 121) in five states, and 122) proceeding with their construction, and 123) using them without an American political revolution, as 124) American jobs are brought back to America, 125) our economy returns to us, and 126) U.S. banking is brought back to our country. 127) Otherwise, goodbye America.

128) In Utah, Peterson is known in political circles for his stand for balanced trade and 129) work to store SNF in north-western Utah. 130) He has shown that project for five consecutive years at the Box Elder County Fair, 131) at the request of the County Commissioners. 132) The people locally and 133) their elected Commissioners have wanted

the project's opportunity. 134) They need the work. 135) Some of the locals who want to continue living out there are driving 300 miles a day to and from work, 136) to have a job.

137) The U.S. Patent office erred in 2002, 138) when it refused Peterson's 300-year patent, 139) saying his required 5-9s separation of the transuranics from the fission waste was not possible. 140) But since then, 141) INL chemists went to work on it and in 2009, 142) the first of several patents was issued for the 5-9s separation, 143) but very few people know that. 144) The patent does not say 5-9s, 145) and it says nothing about the rest of the 300-year solution. 146) For respect for the technology, 147) a patent needs to be issued to Peterson, 148) so the World can know that SNF can be rightly disposed of. 149) The stored SNF is not going to be processed for many years, 150) maybe centuries, 151) but the world needs to know that it can be and 152) will be done. 153) The same goes for Peterson's DRI Rules. 154) Political leaders world-wide need to know that any consolidated identity must produce as much as it consumes, 155) know that – that entity cannot exist as a service economy. 156) Except that it can exist in charity. 157) And there must be charity.

158) It is reasonable that Peterson be paid for some of his losses caused by the Government error of developing only YM, and 159) not rightly considering his 300-year solution, 160) avoiding his requests for development money, 161) for a wrong reason. 162) The commitment to YM error has stifled all rightfull effort of disposing of SNF, 163) Peterson's 300-year solution. 164) So Peterson is justified in being paid for the Government's wrong path of , 165) paid from the nuclear waste deposit fund, 166) for it is a fund expressly for paying for what Peterson is doing.

167) And there is a just reason that SNF disposal must be developed, 168) to develop nuclear power, 169) to manufacture a fuel, 170) to replace oil, 171) as so to fix our out of control economy as well. 172) The Court needs to know that these assertions that Peterson

is making are correct. 173) So first off, 174) this Court should see a way to pay Peterson's expenses to have NAS study and report on his 300-year SNF solution, 175) his 3-year scheme for independence from oil, 176) the need for implementing Peterson's DRI rules, 177) and the need to proceed as fast as possible with Peterson's Pigeon Spur. 178) Possibly the Court can order out these studies to be done by NAS, and at the same time discover the cost of these studies, 179) where NAS would not do the work directly for Peterson.

180) We do not ask compensation for all the losses that have occurred as a result of the error, 181) but ask only the amount to compensate NAS for their studies, 182) plus what it would take to license Pigeon Spur. 183) The only privately owned and licensed SNF storage site now is Private Fuel Storage. 184) Their estimate is that to license Pigeon Spur would cost at least \$40 million, 185) what it has cost them to license Private Fuel Storage.

Hence, 186) Peterson seeks \$52 million, 187) from the nuclear waste deposit fund (NWDF). 188) Peterson moves that the nuclear waste funds (NWDF) not be returned to the utilities, 189) but instead applied to making and using Peterson's 300-year SNF disposal solution. 190) Peterson moves that where there has been orders to return shares of the NWDF to various utilities, 191) that the orders be rescinded, 192) and the money returned to the NWDF. 193) A solution for SNF is what the utilities want and need, 194) more than the money. 195) The same for America.

196) Backing up, 197) the underlying reason we are doing this is to fix the economy, 198) by getting international trade for fuel in balance. 199) Right now, 200) the U.S. economy is out of control. 201) It is out of control of the Government. 202) The way it is now operating, 203) the Government cannot fix it. 204) The government has to be able to infuse money, 205) and so stimulate the economy. 206) In a rightly operating economy 207) government infused money would rightly be moved around in seven transactions,

208)taxed in each transaction and return a tax revenue. 209)But the way it is now it moves three times, 210)and its gone abroad. 211)So now the Government's plowing money into the economy is not fixing it but only increasing the deficit.

212)So the U.S. economy is now stalled 213)as the federal deficit is mounting at a rate of \$3 billion per day, 214)\$2 trillion per year. 215)Trade has to be put into balance 216)before the Government can fix the economy. 217)We saw this in the "cash for clunkers" program. 218)Our Government's putting \$2 billion into the U.S. economy, 219)which wound up exporting \$12 billion to Japan for new Toyotas and Hondas.

220)Would it not be better to order out a fraction of that to develop Peterson's plan for fuel independence in 3 years? 221)

222)Boon Pickens has had a 10-year plan using windmills. 223)President Obama has proposed a 15-year plan, 224)for just a piece of oil independence. 225)It's futile. 226)We don't have 10 to 15 years to fix this. 227)We would be lucky to have 3 years. 228)This is no longer a political situation. 229)It's reality. 230)It's scientific strategy. 231)It is real facts that politically for a half century the 232)Congress has not been able to see and face. 233)The U.S. Court of appeals in its July 9<sup>th</sup>, 2004 order in Case No. 01-1258 made a stab at this, 234)but EPA dropped the ball. 235)Now it's not so simple. 236)Peterson moves for the court to immediately award him money to license Pigeon Spur.

237)He moves the Court order the four NAS studies 238)to rightly see and report on four aspects of this. 239)Peterson moves the Court see the urgency and 240)stimulate a turn-about with laws of reality and 241)money for a working America 242)instead of more deficit.

243)Dated this 6<sup>th</sup> day of July, 2011.



244) William (Bill) D. Peterson II, P.E., M.S., N.E., O.R.A.

245) Attachments:

Court of Appeals DC Circuit, July 9<sup>th</sup>, 2004, order in 01-1258

Nuc/L/MillionYear/01-1258opinion6904.doc

Birdie V. Hamilton-Ray, Aug 06, 2003 letter rejecting 9 proposals

DOE/OCRWM/+BHR-B806.doc

Meikrentz / INL Apr 28, 2009, Patent No. 5724469, 2009

CourtFederalClaims/Meikrantz PAT 5724469.pdf

RAND PAUL, May 19, 2011, letter for balanced budget

Rand Paul 5-19-11 typed.doc

Pros & Cons of a Balanced Budget Amendment

WDP:P/Nuc/Ut/Hatch/balanced budget 6-2011.doc

Pleading - Peterson v Orrin Hatch, Apr 14, 1995 Case No. 95CV 352S

L/fed/Hatch/-OH-Apr8 95 quote.doc

Graph of Deficit v years since WWII

P/DRI/Deficit-Time/deficit-time dwg.doc

246) Ref:

Motion to Consider 300 yrs v 300 yrs, June 24, 2011, Motion to Consider 300 v mil years 62411.doc

Motion to Cross Intervene Motion to Cross Intervene into—wo attached -- 50 cases.pdf

## CERTIFICATE OF SERVICE

247) On this day, 248) Copies of this pleading are electronically sent and U.S. express mailed

to: MARIANA TERESA ACEVEDO  
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Dated this 6<sup>th</sup> day of July, 2011.

William (Bill) D. Peterson II, P.E., M.S., N.E., O.R.A.